रजिस्ट्री सं० डी-(डी)-72 REGISTERED No. D-(D)-72

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 5] नई दिल्ली, मंगलवार, फरवरी 19, 1974/माघ 30, 1895
No. 5] NEW DELHI, TUESDAY, FEBRUARY 19, 1974/MAGHA 30, 1895

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 19th February, 1974/Magha 30, 1895 (Saka)

The following President's Act is published for general information:—

THE MANIPUR ANATOMY ACT 1974
No. 2 OF 1974

Enacted by the President in the Twenty-fifth Year of the Republic of India.

An Act to provide for the supply of unclaimed bodies of deceased persons to hospitals and medical and teaching institutions for therapeutic purposes or for the purpose of anatomical examination or dissection or for any other similar purpose.

28 of 1973. In exercise of the powers conferred by section 3 of the Manipur State Legislature (Delegation of Powers) Act, 1973, the President is pleased to enact as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Manipur Anatomy Act, 1974.

(2) It extends to the whole of the State of Manipur.

(3) It shall come into force on such date as the State Government may, by notification in the Manipur Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "approved institution" means a hospital or a medical college or an allied institution declared by the State Government by notification in the Manipur Gazette to be an approved institution for the purposes of this Act;

(b) "authorised officer" means an officer authorised under section 3;

(c) "person interested" means a near relative or any other person who is interested in the disposal of the body of the deceased person in accordance with the religious usage or social custom of such deceased.

Explanation I.—In this clause, "near relative" means any of the following relatives of the deceased, namely, wife, husband, parent, son, daughter, brother and sister and includes any other person who is related to the deceased—

(*i*) by lineal consanguinity within three degrees or by collateral consanguinity within six degrees, or

(*ii*) by marriage with any of the relatives aforesaid.

Explanation II.—"Lineal consanguinity" and "collateral consanguinity" shall subject to the modification that an adopted person shall be deemed to be a person born to his adopters in lawful wedlock, have the meanings assigned to them in the Indian Succession Act, 1925 and degrees of relationship shall be computed in the manner laid down in that Act; 39 of 1925.

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "State Government" means the Government of the State of Manipur;

(*f*) "unclaimed body" means the body of a person who dies in a hospital, prison or public place which has not been claimed by any person interested within such time as may be prescribed.

Power of State Government to authorise officers to act under section 4.

3. (*1*) The State Government may, by notification in the Manipur Gazette, authorise for the area in which this Act comes into force or any part thereof, one or more officers to whom a report shall be made under section 4 and such officer or officers shall be competent to act under the said section.

(*2*) Every officer authorised under sub-section (*1*) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Unclaimed bodies in hospitals, prisons and public places—how to be dealt with.

4. (*1*) If a person dies in a hospital or in a prison and his body is not claimed by any person interested within such time as may be prescribed, the authority in charge of such hospital or prison or any police officer shall, with the least practicable delay, report the fact to the authorised officer who shall take possession of the unclaimed body and except in the case referred to in sub-section (*3*), hand it over to the authority in charge of an approved institution, if it is required by that authority, for therapeutic purposes or for the purpose of conducting anatomical examination or dissection or for any other similar purposes.

(*2*) If a person dies in any public place in an area in which he had no permanent place of residence and the body of that person is not claimed by any person interested within such time as may be prescribed, the authorised officer shall take possession of such unclaimed body and except in the case referred to in sub-section (*3*), hand it over to the

authority in charge of an approved institution, if it is required by that authority, for the purposes specified in sub-section (*1*).

(*3*) When there is any doubt regarding the cause of death or when for any reason the authorised officer considers it expedient so to do, he shall forward the unclaimed body to the police officer referred to in section 174 of the Code of Criminal Procedure, 1898.

5 of 1898.

(*4*) Where any unclaimed body taken possession of by the authorised officer under this section is not required by the authority in charge of an approved institution for the purpose specified in sub-section (*1*), it shall be disposed of in such manner as may be prescribed.

Doubt or dispute as to person interested.

5. (*1*) If any doubt or dispute arises whether a person is or is not a person interested for the purposes of section 4, the matter shall be referred to the District Magistrate or the Sub-divisional Magistrate and the decision of such Magistrate shall be final.

Explanation.—In this section, "District Magistrate" or "Sub-divisional Magistrate" means the District Magistrate of the District or the Sub-divisional Magistrate of the sub-division, as the case may be, in which the person deceased had his ordinary place of residence.

(*2*) Pending such decision, the body of the deceased person shall be preserved from decay in such manner as may be prescribed.

Penalty.

6. Whoever disposes of, or abets the disposal of, an unclaimed body save as provided by this Act, or obstructs any authority in charge of an approved institution or an authorised officer from handing over, taking possession of, removing or using, an unclaimed body fo rthe purposes specified in section 4 shall be punishable with fine which may extend to five hundred rupees.

Duty of Police and other officers to assist in obtaining possession of unclaimed bodies.

7. All officers and other employees serving in the Police, Medical and Public Health Departments, all officers and other employees in the service of a local authority, and all village officers and members of the public shall be bound to assist the authorised officers in the discharge of their duties under this Act.

Protection of persons acting under Act.

8. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

Power to make rules.

9. The State Government may, by notification in the Manipur Gazette, make rules for carrying out the provisions of this Act.

V. V. GIRI,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

A Regional Medical College has been set up in Manipur to cater to the needs of Manipur and the neighbouring States and Union territories like Tripura, Nagaland, Meghalaya, Arunachal Pradesh and Mizoram. Anatomy is one of the subjects taught in the M.B.B.S. course in the Regional Medical College. For the purposes of the anatomical examination, dissection and other similar purposes, human dead bodies are essentially required for the Department of Anatomy. In Manipur there is no law for the supply of unclaimed bodies of dead persons to hospitals and medical and teaching institutions for the above purposes. It is considered expedient to provide by law for the supply of unclaimed bodies of dead persons to the hospitals, medical and teaching institutions. The present measure is being enacted to achieve the above object.

2. The Committee constituted under the proviso to sub-section (2) of section 3 of the Manipur State Legislature (Delegation of Powers) Act, 1973 (23 of 1973), has been consulted before the enactment of this measure as a President's Act.

C. S. RAMACHANDRAN,
Secy. to the Govt. of India,
Ministry of Health & Family Planning
(Department of Health).

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1974